



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 182 2680-2682)**

Age: 43		<b>THU RYAN</b> , Sister, is Petitioner and requests appointment as Successor Conservator of the Person. <i>(See Notes #1 and #2)</i>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Court Investigator advised rights on 4-10-12.</u>  1. The caption indicates that this petition is for conservatorship of the person only; however, Petitioner also filled out #1b for conservatorship of the estate.  <u>Need clarification:</u> Is Petitioner requesting conservatorship of the estate also? If so, the Court will need further information to address bond.  2. Petitioner does not request medical consent powers at #1g; however, #9 is checked regarding medical treatment refers to a previous capacity declaration that was filed in connection with the existing conservatorship.  <u>Need clarification:</u> Is Petitioner requesting medical consent powers?  If so, the Court may require an updated Capacity Declaration. (Mandatory Judicial Council Form GC-335 was last updated on 1-1-04.)  3. Petitioner states at #4b that the Conservatee is receiving or is entitled to receive benefits from the U.S. Dept. of Veterans Affairs.  Therefore, need proof of service of Notice of Hearing with a copy of the Petition <u>at least 15 days</u> prior to the hearing on the jurisdictional office of the Veterans Administration pursuant to Probate Code §1822(d).  <p align="center"><u>SEE PAGE 2</u></p>
DOB: 8-12-68			
Aff.Sub.Wit.		<b>NA LANDSEADAL</b> , Sister, was appointed Conservator of the Person with medical consent powers on 11-1-96.  <b>Voting rights affected</b>  <b>Petitioner refers to a Capacity Declaration filed 10-29-96 in connection with the previous appointment.</b>  <b>Petitioner states</b> there is presently a conservatorship.  <b>Resignation of Conservator Na Landseadal</b> was filed 3-21-12.  <b>Court Investigator Julie Negrete</b> filed a report on 4-23-12.	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	X	
✓	CI Report		
	9202		
✓	Order		
Aff. Posting			
Status Rpt			
UCCJEA			
	Citation	X	
	FTB Notice		
Reviewed by: skc Reviewed on: 4-25-12 Updates: Recommendation: File 1 - Miller			

**1 A-Lin Miller (CONS/P)**  
**Atty Motsenbocker, Gary L. (for Thu Ryan – Sister – Petitioner)**

**Case No. 0573450**

**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 182  
2680-2682)**

**NEEDS/PROBLEMS/COMMENTS:**

4. Petitioner states at #5f that the Conservatee is not developmentally disabled; however, according to the Court Investigator's report filed 4-23-12, the Conservatee is developmentally disabled and is a client of Central Valley Regional Center.  
  
Therefore, need proof of service of Notice of Hearing with a copy of the Petition at least 30 days prior to the hearing on CVRC pursuant to Probate Code §1822(e).
5. Need Confidential Supplemental Information (Mandatory Judicial Council Form GC-312).
6. Need Citation.
7. Need proof of personal service of Citation and a copy of the Petition at least 15 days prior to the hearing on the Conservatee A-Lin Miller per Probate Code §1824.
8. Need Video Receipt per Local Rule 7.15.8.

**Dept. 303, 9:00 a.m. Thursday, May 3, 2012**

**Petition of Trustee for Approval of First Account Current, for Approval of Trustees' Fees and for Authorization to Compensate Counsel for the Trustee**

			<b>PERINE &amp; DICKENS PROFESSIONAL FIDUCIARIES,</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 4/23/12. Minute order states Mr. Barron advises the Court that he recently received objections and requests a continuance.</b>  <b>1. Attorney costs include copy, postage and fax charges totaling \$31.10. Pursuant to Local Rule 7.17B the above costs are considered by the court to be a part of the cost of doing business and are not reimbursable.</b>
			Trustee, is petitioner.	
			Account period: 4/1/11 – 1/31/12	
<b>Cont. from 042312</b>				
	Aff.Sub.Wit.		Accounting - <b>\$228,402.70</b>	
✓	Verified		Beginning POH- <b>\$0</b>	
	Inventory		Ending POH - <b>\$161,984.16</b>	
	PTC		Attorney - <b>\$3,814.10</b> (per	
	Not.Cred.		itemization and declaration, 20.4 hour @	
✓	Notice of Hrg		Trustees - <b>\$10,854.00</b> (Trustees	
✓	Aff.Mail	W/	are allowed to pay themselves for services	
	Aff.Pub.		rendered at \$120 per hour not to exceed	
	Sp.Ntc.		\$1,500.00 per month. Trustees have	
	Pers.Serv.		received \$10,680.00 therefore have an	
	Conf. Screen		outstanding balance due of \$174.00)	
	Letters		Current bond is \$270,091.70. <b>Petitioner</b>	
	Duties/Supp		<b>request bond be reduced to \$200,000.</b>	
✓	Objections		<b>Petitioner prays for an Order:</b>	
	Video Receipt		1. Settling Trustee's First Account and	
	CI Report		allowing, confirming and approving all	
	9202		acts and transactions set forth herein;	
✓	Order		2. Approving fees received by the	
	Aff. Posting		Trustees through 1/31/12 and	
	Status Rpt		authorizing the additional sum of	
	UCCJEA		\$174.00;	
	Citation		3. Reducing the bond to \$200,000.00;	
	FTB Notice		4. Authorizing Trustees to pay their	
			attorneys the sum of \$3,814.00 for	
			attorney fees and costs.	
			<i>Please see additional page</i>	

Reviewed by: KT

Reviewed on: 4/25/12

Updates:

Recommendation:

File 2 - Diaz

**Objections to Petition of Trustee for Approval of First Account filed by Janie Jimenez on 4/20/12.** Objector states she is the sister of Josephine Diaz, beneficiary. The beneficiary has lived in Objector's home for more than 15 year and Objector is her full-time caretaker. The beneficiary requires 24 hour care and supervision and requires a wheel chair for mobility.

As indicated in the accounting the Trustee was authorized and instructed by the Court to expend up to \$71,436.07 of Trust funds to modify the master bathroom, install new flooring, construct wheelchair ramps in the Jimenez home and construct a storage shed in order to accommodate the Beneficiary's wheelchair and other equipment for her special needs.

The Accounting reports payments to Dan's construction in the amount of \$33,796.00 for improvements made to the home through January 31, 2012. Ms. Jimenez believes that significant additional payments have also been made after the accounting period based on statements by the Trustee to her that there is only \$5,000 left for the construction project. Ms. Jimenez has asked the Trustee to provide her with all of the contracts, bills and any paperwork in connection with the work being done on her home, but the Trustee has not yet provided any of this information to her. Ms. Jimenez believes that even the \$33,796 that has been paid to Dan's Construction is unreasonable. She estimates that the project is only about 20% complete. Moreover, the work completed was poorly done and with the cheapest building materials. As a result, several repairs are already required. Ms. Jimenez estimates that the construction work completed on her home thus far is only worth an estimated \$8,000 - \$10,000.

Ms. Jimenez believes the Trustee has been unhelpful in holding Dan's Construction accountable for completing the work it was hired to do. When Ms. Jimenez shared her concerns with the Trustee, one of the Trustees simply replied, "It is what it is."

**Wherefore, Janie Jimenez prays for an Order as follows:**

1. Directing the Trustee to file an Amended First Account and Petition to Settle the First Account to address the deficiencies set forth above.
2. Directing the Trustee to provide Ms. Jimenez with any and all paperwork related to the construction project, including, without limitation, contracts, bills, and any written communication with Dan's Construction.
3. Surcharging the Trustee for any breaches of fiduciary duty arising out of its conduct in connection with the construction project.
4. For attorney fees and costs.

**Declaration of Christopher Kennedy in Support of Petition of Trustee for Approval of First Account filed on 4/20/12 states** Josephine Diaz is totally disabled and lives in the home of her sister and brother-in-law. Because of her disability, Ms. Diaz is dependent on others to purchase all of her personal items for her. For reasons of economy, the practice used by the Trustee in this case has been to rely upon Mr. and Mrs. Jimenez to purchase Ms. Diaz's personal items and then to reimburse them. The check was issued to Ms. Jimenez to reimburse for miscellaneous purchases made. The single largest item was for massage therapy provided to Ms. Diaz by Consuela Valencia. Copies of receipts are attached.

Age: 5 years		<p><b>JEFFREY HALSTEAD and JENNIFER HALSTEAD</b> (non-relatives) were appointed as guardians on 10/23/08.</p> <p>Petitioners filed an Ex Parte Petition on 12/3/10 regarding the visitation. Petition alleges mother has tested positive for drugs and states a drug user does not provide a safe, healthy, stable environment for the minor. Copy of positive drug test attached to the petition.</p> <p>The Court set the matter for hearing.</p> <p><i>Minute order from the hearing on 2/23/11</i> states counsel advises the court that one of Ms. Rodriguez's tests came back positive for drugs. Visitation remains as previously ordered. The Court orders that before Ms. Rodriguez may petition the court for a modification she must have negative test results for four months. Ms. Brungess to prepare the order.</p> <p><i>Minute order from 8/24/11</i> states Ms. Brungess advises the court that the mother has refused to drug test since January 2011, and it appears that she has been under the influence during visits. The Court orders that all visits between the mother, Jennifer Rodriguez and Sean cease immediately until further order of the Court. The Court indicates for the record that it is not ordering mother to attend AA/NA three times per week, but wishes to see proof of the mother's self-initiated attendance. The Court orders the mother to drug test as previously ordered. All prior orders not modified remain in full force and effect. The court on its own mother set case no. 08CEPR00598 (see page 15) for further status on 10/19/11. Richard Ruiz is ordered to be present at the hearing. Minute order indicates that Richard Ruiz was present in court on 8/24/11.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 1/19/12. Minute Order states that the Court orders that monthly testing continue and mother submit herself to a hair follicle test every month. The Court advises the parties that it is treating the January 2012 test as a negative test. The Court orders mother to submit herself for three hair follicle tests between now and the next hearing. Mother is ordered to submit to a hair follicle test today [1/19/12]. In the event that Ms. Brungess receives and copy of the test results, she is to provide mother a copy.</p> <p>1. Need current status report.</p>
DOB: 12/1/05			
Cont. from 101911, 011912			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
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		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 4/25/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 12 – O'Dougherty</p>	

*Minute Order from 10/19/11* states Counsel advises the Court that mother Jennifer Rodriguez tested positive for methamphetamine in August, was late for her test in September, and refused to be tested in October. Proof of attendance at AA/NA is show to the Court by the mother, and the Court finds substantial compliance. The Court advises the mother that she will need to provide three clean tests. The Court orders the mother to get tested within one week and continue testing once per month. The Court is advised that the mother has made some phone calls to the child. The Court encourages mother to make phone calls to the child. Visitation is not ordered at this time. The Court orders all prior orders remain in full force and effect.

**Declaration of Pamela Halstead filed on 1/18/12** states Jennifer Rodriguez, mother, is obligated to submit to a hair follicle test once per month, upon notice from them as guardians.

Ms. Halstead states they have requested Ms. Rodriguez submit to these tests in the months of September through December, 2011, and Ms. Rodriguez has failed to make herself available each month.

After the last court hearing on 10/19/2011, the Court specifically order Ms. Rodriguez to test following that appearance and she failed to do so. Based on Ms. Rodriguez's failure to comply with the Court's order, Ms. Halstead asks that the court discontinue these review hearings and instead offer Ms. Rodriguez the opportunity to petition for modification of the current no-visitation orders after she has tested clean for four consecutive months.

Atty Ruiz, Renee M. (pro per Guardian)

Atty Ruiz, Richard (pro per Guardian)

Atty Rodriguez, Jenifer (pro per mother)

Further Status

Age: 8 years  
DOB: 2/26/03

**RENEE RUIZ** and **RICHARD RUIZ**, maternal aunt and uncle, were appointed guardians on 8/18/08.

Cont. from 101911,  
011912

The Court on its own motion set this matter for further states per minute order dated 8/24/11 in the Guardianship of Sean O'Dougherty, case no. 08CEPR00596. Minute order indicates that Richard Ruiz was present in court on 8/24/11.

*Minute Order from 10/19/11* states Counsel advises the Court that mother Jennifer Rodriguez tested positive for methamphetamine in August, was late for her test in September, and refused to be tested in October. Proof of attendance at AA/NA is show to the Court by the mother, and the Court finds substantial compliance. The Court advises the mother that she will need to provide three clean tests. The Court orders the mother to get tested within one week and continue testing once per month. The Court is advised that the mother has made some phone calls to the child. The Court encourages mother to make phone calls to the child. Visitation is not ordered at this time. The Court orders all prior orders remain in full force and effect.

**NEEDS/PROBLEMS/COMMENTS:**

Continued from 1/19/12. Minute Order states that the Court orders that monthly testing continue and mother submit herself to a hair follicle test every month. The Court advises the parties that it is treating the January 2012 test as a negative test. The Court orders mother to submit herself for three hair follicle tests between now and the next hearing. Mother is ordered to submit to a hair follicle test today [1/19/12]. In the event that Ms. Brungess receives and copy of the test results, she is to provide mother a copy.

Reviewed by: KT

Reviewed on: 4/25/12

Updates:

Recommendation:

File 13 – O'Dougherty



**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="3"><b>DOD: 1/11/10</b></td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3">Cont. from 021612, 040512</td></tr> <tr><td style="text-align: center;">✓</td><td>Aff.Sub.Wit.</td><td> </td></tr> <tr><td style="text-align: center;">✓</td><td>Verified</td><td> </td></tr> <tr><td> </td><td>Inventory</td><td> </td></tr> <tr><td> </td><td>PTC</td><td> </td></tr> <tr><td> </td><td>Not.Cred.</td><td> </td></tr> <tr><td> </td><td>Notice of Hrg</td><td> </td></tr> <tr><td style="text-align: center;">✓</td><td>Aff.Mail</td><td>W/</td></tr> <tr><td style="text-align: center;">✓</td><td>Aff.Pub.</td><td> </td></tr> <tr><td> </td><td>Sp.Ntc.</td><td> </td></tr> <tr><td> </td><td>Pers.Serv.</td><td> </td></tr> <tr><td> </td><td>Conf. Screen</td><td> </td></tr> <tr><td style="text-align: center;">✓</td><td>Letters</td><td> </td></tr> <tr><td style="text-align: center;">✓</td><td>Duties/Supp</td><td> </td></tr> <tr><td> </td><td>Objections</td><td> </td></tr> <tr><td> </td><td>Video Receipt</td><td> </td></tr> <tr><td> </td><td>CI Report</td><td> </td></tr> <tr><td> </td><td>9202</td><td> </td></tr> <tr><td> </td><td>Order</td><td>X</td></tr> <tr><td> </td><td>Aff. Posting</td><td> </td></tr> <tr><td> </td><td>Status Rpt</td><td> </td></tr> <tr><td> </td><td>UCCJEA</td><td> </td></tr> <tr><td> </td><td>Citation</td><td> </td></tr> <tr><td> </td><td>FTB Notice</td><td> </td></tr> </table>	<b>DOD: 1/11/10</b>												Cont. from 021612, 040512			✓	Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg		✓	Aff.Mail	W/	✓	Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen		✓	Letters		✓	Duties/Supp			Objections			Video Receipt			CI Report			9202			Order	X		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p><b>JENNIE ORONA</b>, spouse, is petitioner and requests appointment as Executor without bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 9/10/1997</p> <p>Residence: Fresno  Publication: Fresno Bee</p> <p><u><b>Estimated Value of the Estate:</b></u></p> <table style="width: 100%;"> <tr><td>Personal property</td><td style="text-align: right;">-</td><td style="text-align: right;">\$15,000.00</td></tr> <tr><td>Real property</td><td style="text-align: right;">-</td><td style="text-align: right;">\$53,000.00</td></tr> <tr><td><b>Total</b></td><td style="text-align: right;"><b>-</b></td><td style="text-align: right;"><b>\$68,000.00</b></td></tr> </table> <p><b>Probate Referee: STEVEN DIEBERT</b></p>	Personal property	-	\$15,000.00	Real property	-	\$53,000.00	<b>Total</b>	<b>-</b>	<b>\$68,000.00</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><i>Continued from 4/5/12. As of 4/25/12 the following issues remain:</i></p> <ol style="list-style-type: none"> <li>1. Witness signatures on the will are not dated.</li> <li>2. Rosa Falcon, named alternate executor was not included on #8 of the petition.</li> <li>3. Need proof of service of the <i>Notice of Petition to Administer the Estate</i> on Rosa Falcon, named alternate executor. Probate Code §8110.</li> <li>4. Need Order</li> </ol> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 20px;"> <tr><td>Reviewed by: KT</td></tr> <tr><td>Reviewed on: 4/25/12</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 15 - Orona</td></tr> </table>	Reviewed by: KT	Reviewed on: 4/25/12	Updates:	Recommendation:	File 15 - Orona
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